

CALIFORNIA COASTAL COMMISSION

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September 20, 2000

TO: Commissioners and Interested Persons

FROM: Tami Grove, Deputy Director
Charles Lester, District Manager
Rick Hyman, Deputy District Chief Planner

SUBJECT: **SANTA CRUZ COUNTY: LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 1-00.** For public hearing and Commission action at its meeting of October 12, 2000, to be held at the City of Oceanside Council Chambers, 300 North Coast Hwy., Oceanside.

SUMMARY OF STAFF REPORT**I. Amendment Description**

Santa Cruz County is proposing the following three changes to its certified Local Coastal Program, regarding timber harvest. The proposal would amend the Land Use Plan (LUP) and Implementation portion (IP) of its Local Coastal Program to:

- A. allow timber harvesting subject to a Department of Forestry timber harvest plan in the Commercial Agricultural zone district as a principal permitted use (a. LUP policies 5.12.14; 5.13.5; b. IP section 13.10.312b)
- B. limit the location of helicopter staging and loading activities and service areas to parcels being timbered or to adjacent parcels; limit the location of helicopter staging and loading activities and service areas to zoning districts which allow timber harvesting; and limit the location of helicopter staging and loading activities and service areas to areas within the boundaries of an approved timber harvest plan (IP: new section 13.10.378)
- C. limit timber harvesting within perennial and intermittent riparian corridors (IP: new section 13.10.695)

This amendment was filed on May 12, 2000. On August 9, 2000 the Commission granted a County request and extended the time limit for action for up to one year. These items are part of a larger package. The other components of Amendment 1-00, regarding farmland security and roads, have been deemed "minor" and approved by the Coastal Commission on June 13, 2000.

**California Coastal Commission**

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II. Standard of Review

The standard of review for the land use plan amendments is that they must be consistent with the Coastal Act. The standard of review for the implementation amendments is that they must be consistent with and adequate to carry out the policies of the certified coastal land use plan.

III. Staff Recommendation

Staff recommends that the Commission approve the second and third components of the amendment (parts B & C) as submitted and part A, only if it does not apply in the coastal zone.

This current amendment is a follow-up to a previous amendment (#3-98). A primary purpose of Amendment #3-98, as proposed by Santa Cruz County, was to restrict timber harvesting to only three zoning districts: TP: Timber Production, PR: Parks, Recreation and Open Space, and M-3: Mining. As modified, Amendment #3-98 further specified that timber harvesting in the PR designation could only occur outside of the coastal zone.

The first component of the proposed amendment (#1-00) would allow timber harvesting in areas designated for commercial agriculture. Currently, if there is harvestable timber on designated agricultural land, the land must be redesignated to TP: Timber Production in order for logging to be a permitted use. Such rezoning would be based on applicable criteria. Discretion provides the County and Coastal Commission forums for considering Coastal Act locational issues, such as sensitive habitat protection, in deciding whether timber harvesting should be allowed on a subject site. The land in the coastal zone that would be affected by the amendment includes environmentally sensitive native Monterey pine forest, which deserves protection under local coastal program policies. Therefore, staff recommends denial of the first component of the proposed amendment, as it would apply in the coastal zone, in favor of case-by-case rezoning to TP, consistent with applicable criteria.

The second component of the amendment involves locational criteria for helicopter facilities associated with transporting timber cut for commercial purposes. The thrust of this proposal is to locate helicopter facilities near the source of the logging to prevent adverse noise and safety impacts. Staff recommends approval of this amendment component because it helps carry out certified land use plan provisions to limit adverse noise impacts from logging.

The third component of the amendment involves locational criteria for riparian setbacks. This proposal would locate timber harvesting outside of riparian corridors, just as most other uses are required to be located. Non-commercial tree cutting could still be allowed; for example, if it were deemed to be a necessary habitat improvement measure. Staff recommends approval of this amendment component because it helps carry out land use plan provisions to establish and maintain riparian setbacks.



IV. Summary Of Issues And Comments

At the County hearings, the timber harvest amendments elicited substantial comments. The County hearings on the subject amendments occurred at the same time as the County decided whether to enact a final adoption of the previous amendment set (# 3-98). Additionally, some testimony focused on matters not in the Commission's purview, such as concurrent changes that the County was recommending to the Forest Practices Rules, the effects of the proposals outside of the coastal zone, and on alternative amendment proposals that were not finally adopted by the Board of Supervisors.

A review of the correspondence in the submittal reveals the following generalizations. The proposed timber harvest allowance on commercial agricultural land generally elicited favorable reaction from those who conduct timber harvests and/or own such timberland. The proposed helicopter and riparian amendments generally elicited favorable reaction from neighborhood and environmental groups and unfavorable reaction from those who conduct timber harvests and/or own timberland. The latter voiced opposition to any proposals that would appear to limit timber harvesting and involve the County in timber harvest decision-making. Especially with regard to the proposed riparian setbacks, these interests variously argued that logging in riparian areas is already adequately controlled, that there are not significant adverse impacts from such logging, that there are actual environmental benefits from such logging, and that a prohibition of such logging would be detrimental to the riparian habitat and the species that it supports.

V. Additional Information

For further information about this report or the amendment process, please contact Rick Hyman, Coastal Commission, 725 Front Street, Suite 300, Santa Cruz, CA 95060; Tel. (831) 427-4863.

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VI. STAFF RECOMMENDATION: MOTIONS AND RESOLUTIONS

The Commission must make five separate motions in order to act on this recommendation:

A. DENIAL OF LAND USE PLAN MAJOR AMENDMENT #1-00 PART A AS SUBMITTED

MOTION 1:

“I move that the Commission certify Major Amendment # 1-00 part A to the County of Santa Cruz Land Use Plan as submitted by the County.”

STAFF RECOMMENDATION OF DENIAL

Staff recommends a “NO” vote. Failure of this motion will result in denial of the land use plan amendment component as submitted and adoption of the following resolution and findings. The motion passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION:

The Commission hereby denies certification of Major Amendment # 1-00 part A to the land use plan of the County of Santa Cruz as submitted and adopts the findings set forth below on the grounds that the amendment component, as submitted, does not conformance with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment would not comply with the requirements of the California Environmental Quality Act because there are feasible alternatives or mitigation measures which would substantially lessen any significant adverse impact which the land use plan amendment may have on the environment.

B. APPROVAL OF LAND USE PLAN MAJOR AMENDMENT #1-00 PART A, IF MODIFIED

MOTION 2:



“I move that the Commission certify Major Amendment # 1-00 Part A to the County of Santa Cruz Land Use Plan as submitted by the County, if modified as suggested by Modification A in this staff report.”

STAFF RECOMMENDATION TO CERTIFY IF MODIFIED

Staff recommends a “YES” vote. Passage of this motion will result in certification of the amendment component with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION:

The Commission hereby approves Major Amendment # 1-00 Part A to the land use plan of the County of Santa Cruz if modified according to suggested modifications A-1 and A-2 and adopts the findings set forth below on grounds that the land use plan amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts which the land use plan amendment may have on the environment..

C. DENIAL OF IMPLEMENTATION PLAN MAJOR AMENDMENT #1-00 PART A AS SUBMITTED

MOTION 3:

“I move that the Commission reject Major Amendment #1-00 Part A to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by the County.”

STAFF RECOMMENDATION OF REJECTION

Staff recommends a “YES” vote. Passage of this motion will result in rejection of Implementation Program amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.



RESOLUTION:

The Commission hereby rejects Major Amendment #1-00 Part A to the implementation program of the Santa Cruz County local coastal program, as submitted, and adopts the findings set forth below on grounds that the Implementation Program amendment as submitted is not in conformity with the certified land use plan. Certification of the Implementation Program amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program amendment as submitted.

**D. APPROVAL OF IMPLEMENTATION PLAN MAJOR AMENDMENT #1-00
PART A, IF MODIFIED****MOTION 4:**

“I move that the Commission certify Major Amendment #1-00 Part A to the Santa Cruz County Local Coastal Program Implementation Plan, if it is modified as suggested by Modification B in the staff report.”

STAFF RECOMMENDATION TO CERTIFY IF MODIFIED

Staff recommends a “YES” vote. Passage of this motion will result in certification of the Implementation Program amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION:

The Commission hereby certifies Major Amendment #1-00 Part A to the Implementation Program of the Santa Cruz County Local Coastal Program, as modified by Suggested Modification B-1 and -2, and adopts the findings set forth below on grounds that the Implementation Program amendment with the suggested modifications will be in conformity with and adequate to carry out the certified land use plan. Certification of the Implementation Program amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.



**E. APPROVAL OF IMPLEMENTATION PLAN MAJOR AMENDMENT #1-00
PARTS B & C, AS SUBMITTED**

MOTION 5:

“I move that the Commission reject Major Amendment #1-00 Parts B and C to the Santa Cruz County Local Coastal Program Implementation Program, as submitted by Santa Cruz County.

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION:

The Commission hereby certifies Major Amendment #1-00 Parts B and C to the Implementation Program of the Santa Cruz County Local Coastal Program, as submitted and adopts the findings set forth below on grounds that the Implementation Program amendment will be in conformity with and adequate to carry out the certified land use plan, and certification of the Implementation Program amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.



VII. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following changes to the proposed Local Coastal Program amendments, which are necessary to make the requisite findings. If the local government accepts each of the suggested modifications within six months of Commission action, by formal resolution of the Board of Supervisors, the corresponding amendment portion will become effective upon Commission concurrence with the Executive Director finding that this has been properly accomplished.

A. Land Use Plan Modifications for Timber Harvest in Agricultural Areas

1. Revise *1994 General Plan and Local Coastal Program for the County of Santa Cruz* policy 5.12.14 (LCP) by deleting the wording “Commercial Agricultural (CA) “ or by adding the underlined wording:

Allow timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, only in the Timber Production (TP), Parks, Recreation and Open Space (PR) (except in the coastal zone), Mineral Extraction Industrial (M-3), and the Commercial Agricultural (CA) (except in the coastal zone) zone districts.

2. Revise *1994 General Plan and Local Coastal Program for the County of Santa Cruz* policy 5.13.5 by deleting the wording “and to include timber harvesting operations” or by adding the underlined wording as follows:

Maintain a Commercial Agricultural (CA) Zone District for application to commercial agricultural lands that are intended to be maintained exclusively for long-term commercial agricultural uses. Allow principal permitted uses in the CA zone District to include only agricultural pursuits for the commercial cultivation of plant crops, including food, flower, and fiber crops and raising of animals including grazing and livestock production and to include timber harvesting operations outside of the coastal zone only.

B. Implementation Plan Modifications for Timber Harvest in Agricultural Areas

1. Either delete proposed new Subsection (b.2) of Section 13.10.312 of the *County Code* or revise by adding the underlined wording as follows:



Timber harvesting and associated operations requiring approval of a Timber Harvesting Plan by the California Department of Forestry is allowed use in the Commercial Agricultural (CA) zone district, outside of the coastal zone only.

2. Either delete the following entry in Subsection (b) of Section 13.10.312 - Agricultural Uses Chart of the *County Code* or revise by adding the underlined wording as follows:

“AGRICULTURAL USES CHART”

USE	CA	A	AP
Timber Harvesting and associated operations, <u>(outside of the coastal zone only)</u> .	P	--	--



VIII. RECOMMENDED FINDINGS

The Commission finds and declares for the following three components (A. locating timber harvests on commercial agricultural lands, B. helicopter facilities, and C. riparian corridors) of Santa Cruz County Major Amendment # 1-00 regarding timber harvest:

A. Timber Harvesting on Agricultural Lands

This first amendment component has both a land use plan component and a zoning component. Since the standards of review are different, each is discussed separately.

1. Land Use Plan Amendment

a. Description and Background

This proposed amendment component would allow timber harvesting subject to a Department of Forestry timber harvesting plan in the Commercial Agricultural zone district as a principal permitted use. This amendment is accomplished by adding such wording to current *1994 General Plan and Local Coastal Program for the County of Santa Cruz* policies 5.13.5 and 5.12.14. (See staff report “Appendix: Full Text Of Proposed Amendments.”)

Policy 5.13.5 enumerates principal permitted uses on commercial agricultural zoned land. Policy 5.12.14 was recently added to the land use plan under LCP Amendment 3-98. This policy currently allows timber harvesting that is regulated by the Department of Forestry through timber harvest plans only in the Timber Production; Parks, Recreation and Open Space (outside of the coastal zone only); and Mineral Extraction Industrial zone districts.

As background, State-approved timber harvest plans are required for most timbering operations except for the following:

- harvesting Christmas trees;
- harvesting dead, dying or diseased trees of any size and small amounts (less than 10 percent of the average volume per acre under certain conditions) of fuelwood or split products;
- operations conducted on ownerships of timberland of less than 3 acres (1.214 ha) in size and not part of a larger parcel of timberland in the same ownership;
- certain cutting or removal of trees which eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuelbreak to reduce fire spread, duration, and intensity.



These types of operations would be governed by other local coastal program policies and are not affected by this amendment.

To date timber harvesting has not specifically been mentioned as an allowed use in the CA zone district. The County offered Amendment 3-98 as a follow-up to a court decision that while local governments can not regulate the conduct of timber cutting operations, they can use their planning authority to determine where it may occur (Big Creek Lumber v. County of San Mateo, 31 Cal. App. 4th at 418, (1995)).

Amendment #3-98 included new land use plan policy 5.12.14 described above and a companion zoning change that explicitly state that timber harvesting is not allowed in the Agricultural (“CA,” “AP,” and “A”) zone districts. “CA” is the Commercial Agricultural zone district. The “CA” district is to be applied to commercial agricultural lands that are intended to be maintained exclusively for long-term commercial agricultural use. As such, the uses allowed in that district are largely agricultural or related uses. In approving Amendment 3-98 the Commission found,

Under traditional planning rules and County policy, if a use is not listed as an allowable land use in a particular zone district, then it is already prohibited. Thus, this aspect of the amendment is also a reiteration of existing policy.

Although the Commission found the amendment to be a reiteration of existing policy, it was perceived by others as a new prohibition against timber harvesting on agricultural lands (or at least an affirmation of a policy that could have been changed). According to the County submittal, such timber harvesting had occurred in the past. The above-mentioned Court ruling affirmed that abiding by the uses allowed under the zoning designation is mandatory. Although timber harvesting operations are regulated by the Department of Forestry and Fire Protection, that agency is bound to follow the County zoning use designation. Thus, currently the Department would not be able to approve a timber harvest on CA-zoned land.

Many timber harvest supporters argued and continue to argue that timber harvesting is very much appropriate on agriculturally zoned land. Amendment 3-98 is being challenged in court.

Now the County has submitted this new amendment request, which reverses the substance of the previous amendment # 3-98. The County submittal indicates that,

the proposed amendment contributes to the retention of agriculture in two ways. The first is as an alternative source of income for farmers with forest resources and the second as a way to prevent the creation of new residential home sites adjacent to agricultural land.

According to the County submittal there are approximately 1,240 acres of commercial forestland in the Coastal Zone that is zoned CA that would potentially be affected by this amendment request. This forest land is located north of the City of Santa Cruz generally on high ridges above the grazing and crop lands on the coastal terraces.



By making timber harvesting permissible on CA-zoned land, the proposed amendment will result in the State Department of Forestry and Fire Protection determining whether and how an individual timber harvest will occur.

b. Standard of Review

The standard of review for land use plan amendments is the Coastal Act. Under the Act, land use plans are to indicate the kinds, locations, and intensities of uses that are allowable in various locations (PRC 30108.5). The substantive policies of Chapter 3 are the primary basis for making these determinations. In this case, the most relevant governing sections of the Coastal Act are:

30240: *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

30241. *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to



prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

30241.5 (a) *If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:*

(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.

30242: *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

30243: *The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.*



30251: *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

c. Analysis and Conclusion

The proposed amendment says that if a parcel is zoned “CA” and has timber on it, then timber harvesting is permissible.¹ This should not have an appreciable effect on other agricultural operations or the potential for agriculture on CA zoned lands, since logging can only occur on forest land and forest land is rarely used for crops or grazing, unless it is first cleared. Additional land could be subject to this amendment’s provision if either trees are planted (tree farming is currently a principle permitted use on agriculturally zoned land) or the land is left fallow and trees grow. In any of these cases, tree removal would be necessary for any renewed row crop or other agriculture to occur. The County’s Negative Declaration indicated that there would be little economic incentive to convert productive crop land to tree farms for eventual harvesting. The only potential effect of the proposed amendment on row crops or grazing would be if the ancillary timber operations (e.g., staging areas) are located on these lands. However, such ancillary operations are likely to be located adjacent to the forest area and be temporary and hence not have a significant nor long-term impact on the adjacent grazing or crop land.

As noted, this amendment may create an economic incentive for farmers to keep their remaining land in production. “This will, in fact, decrease the pressure on these lands for conversion to non-agricultural uses by giving farmers an alternative source of capital during lean years of crop/livestock production,” according to the Negative Declaration.

¹ The analysis of this amendment component is somewhat complicated due to its format. Typically, a land use plan amendment is for a policy or map change. Under the Coastal Act, the amendment is analyzed for Coastal Act policy consistency. Zoning amendments typically are proposed to conform to land use policies or maps and under the Coastal Act are analyzed for consistency with the certified land use plan. In this case, the proposed amendment is to the land use plan. However, this amendment does not alter any land use plan policies nor mapped designations. Rather, this amendment proposal directs how zoning will govern. The 1994 *General Plan and Local Coastal Program for the County of Santa Cruz* already has protective policies for agricultural land in place that are not proposed for revision. Policy 5.13.4 already directs that land designated as an Agricultural Resource be maintained in the CA: Commercial Agricultural, AP: Agricultural Preserve, or A: Agriculture zone districts. The purposes of these districts are to protect farmland.



Because the amendment should not result in significant timber harvest conflicts with traditional agricultural pursuits, as discussed, consistency with Coastal Act Sections 30241 and 30242 can be demonstrated.

However, other Coastal Act policies regarding priorities and locations for various land uses (e.g., 30240, 30251) are not fully accounted for under the proposed amendment. The proposed amendment would deprive the County and the Commission of the opportunity to review each parcel's appropriateness to be rezoned to a TP designation before logging could occur. The Commission found, in approving amendment # 3-98, that the better response to the situation of timberland zoned "CA" is a rezoning to Timber Production, if in fact timber harvesting is deemed appropriate on the subject parcel(s):

Each mentioned district contains a variety of permitted uses. There thus would be some use (other than timber harvesting) that could be made of each property that would be consistent with the certified land use plan and hence not result in a "taking." There do appear to be approximately eight parcels that are zoned "CA" or "A" in the coastal zone that are mostly forested according to the map provided by Big Creek Lumber's representative (they are not mapped by the County as timber resource). Since most of the permitted uses involve open lands, these parcels would be most restricted under the amendment [which prohibits timber harvest on CA or A zoned land]. They would be prime candidates for a rezoning to "TP." This would be preferable to modifying the proposed amendment to include timber harvesting as a permitted use on agriculturally-zoned land. Although it can be argued that only such land with timber could be logged, theoretically there could be some incentive to convert productive fields to timber plantations. Also, there could be incentive to log those timbered portions of productive fields that currently provide habitat, buffers, or scenic amenities. Finally, ancillary timber activities could potentially be allowed (e.g., grading for landings or haul roads) that would adversely affect farming operations.

The Commission continues to support this approach. There are Coastal Act benefits in disallowing the proposed blanket amendment in favor of the alternative of considering individual rezonings to "TP." For example, the indigenous Monterey Pine forest on Santa Cruz's north coast is defined as Environmentally Sensitive Habitat (policy 5.1.2). If a rezoning is required, then whether a parcel contained sensitive habitat and hence whether it should be rezoned to allow timber harvest could be considered. If the currently proposed amendment were to be approved and hence rezoning not be required, then there would be no opportunity to address this issue, outside of the Department of Forestry process. An argument is contained in the record that to save the Monterey pine forest on the north coast from the rampant pitch canker, logging is useful in increasing the seed bed and hopefully the amount of resistant pines that would survive. There are other methods that do not involve commercial logging, such as burning or human manipulation, that could achieve the same result. Again, this matter could be further addressed through a specific rezoning request and is not a compelling reason to approve the proposed amendment.



The County record includes arguments not in favor with the current situation where (absent the proposed amendment) rezonings to “TP” are the only way to allow timber harvesting on “CA” zoned land. These arguments are that individual rezonings (the alternative to achieving the purpose of this amendment to allow timber harvesting on agriculturally-zoned lands) are more cumbersome, require more staff work, are not automatic, and, thus, potentially not as supportive of timber harvesting. To rezone to “TP” involves having an area at least 5 acres, meeting the timber stocking standards of Public Resources Code 4561, being timberland as defined in state law, containing no uses that are incompatible with the TP zone district, requiring a timber management plan, and not having a harmful effect on recreational, environmentally sensitive, scenic, or unstable land. (Land Use Plan policy 5.12.9; Code Section 13.10.375.c)

Another argument involves potential density increases. The County amendment submittal concludes, “It is clear that allowing timber harvesting in the limited portions of the properties zoned CA is more appropriate than requiring portions of agricultural properties to be rezoned to the TP zone district, with the attendant changes to the allowed densities.” The issue is that allowed residential density is greater on “TP” zoned land (maximum of one unit per 40 acres as opposed to one per parcel) and that “TP” land could then potentially be subdivided in the future (“CA” zoned land generally can not be subdivided.) There is a further complication with parcels that contain both row crops or grazing land and timber land. Although not totally clear in the *County Code*, if a parcel had a split zoning designation, it could be eligible for the uses each district allows on each zoned portion of the site, and hence additional density. The actual increase in allowable residential density that could occur, if any, would depend on the number of parcels that would be rezoned to “TP,” what portion(s) would be rezoned, their size (i.e., only large, at least 80 acre parcels, would be at issue), existing residences on the parcel, and potential agricultural residences (i.e., the “CA” district does allow some additional agricultural residences). In the coastal zone, any density increase is not expected to be numerically significant, given the number of parcels and acreage involved. Whether, there would be adverse impacts from this increase would require site-specific analysis.

The presumption behind the County’s arguments is that any timberland in agriculturally designated areas should be allowed to be cut. For the reasons cited above, the Commission maintains that scrutiny of individual rezoning requests is more desirable. If such scrutiny reveals that a proposed rezoning will not meet the “TP” district standards nor be consistent with Coastal Act and County coastal resource protection policies, then it must be denied. The Commission notes that under each zoning district (“CA” vs. “TP”) there is a range of permitted uses and intensities, not just residential uses, that need to be considered in deciding on which zoning to apply to a certain property.

In conclusion, the Commission finds that there is a potential for a Coastal Act inconsistency in approving the amendment, because the appropriateness of allowing a timber harvest use will not be subject to scrutiny through a local coastal program amendment for a rezoning. The proposed amendment, which would simply allow timber harvesting on any “CA” zoned land is, therefore, denied as submitted.



d. Remedies

There is no reason to suggest modifications to address the basic noted deficiency of the proposed amendment component, since the alternative of seeking individual rezonings to “TP” is available. However, since Coastal Act authority does not extend beyond the coastal zone, the County could put the proposed amendment component in effect outside of the coastal zone. If the land use plan is modified along these lines, according to Modifications A-1 and A-2, then the amendment can be approved because the land use plan as amended will be consistent with the Coastal Act.

2. Implementation Amendment

a. Description and Background

This proposed amendment component would explicitly allow for timber harvesting in the “CA” zone district. Timber harvesting would be shown as a principal permitted use in the Agricultural use chart and in the text in Implementation Program section 13.10.312b. (See staff report “Appendix: Full Text Of Proposed Amendments.”)

As noted, the certified Local Coastal Program implementation program did not explicitly allow some type of timber harvesting in the CA district prior to 1998. Then the County proposed and the Commission approved LCP amendment #3-98 that explicitly stated that timber harvesting is not an allowed use in the CA zone. However, when the County engaged in final consideration of formally adopting this provision, it proposed the current amendment instead.

b. Standard of Review

The standard of review for this amendment is the land use plan. Most relevant are new policy 5.12.14 and policy 5.12.9, quoted above. Among other relevant provisions is Objective 5.12:

Encourage the orderly economic production of forest products on a sustained yield basis under high environmental standards, to protect the scenic and ecological values of forested areas, and to allow orderly timber production consistent with the least possible environmental impacts.

c. Analysis and Conclusion

This amendment is written to carry out the directive of the proposed amended land use plan policy. Since the land use plan amendment is not being approved for the coastal zone, policy 5.12.14’s current limitation to allowing timber harvesting in **only** the “TP” and “M-3” zone districts in the coastal zone



remains operative. As the proposed implementation plan amendment does not conform with this provision of the certified land use plan, it is denied.

d. Remedies

The proposed land use plan amendment component is approved if it is modified to apply only outside of the coastal zone. The proposed implementation amendment can be revised accordingly, as provided by Modifications B-1 and B-2. If so modified, the proposed zoning amendment component is approved, as being consistent with and adequate to carry out the land use plan.

B. Helicopter Facilities

1. Description and Background

This proposed amendment component proposes the addition of a new section (13.10.378) to the *County Code* to limit the location of helicopter staging and loading activities, and service areas, to:

- parcels being timbered or to adjacent parcels,
- to zoning districts which allow timber harvesting;
- and to areas within the boundaries of an approved timber harvest plan.

(See staff report “Appendix: Full Text Of Proposed Amendments.”)

The purposes of this amendment are to reduce noise impacts from helicopters on residences near logging operations and to help promote safety. The submittal explains:

The General Plan restricts the use of helicopters to a very limited number of uses. The use of helicopters for commercial agricultural purposes infers that the activities necessitating the use of helicopters (typically spraying) will occur only on property with active agricultural operations and that adjacent properties will be subject only to incidental over-flights of helicopters.

By extension, this same inference was the basis for the County’s proposed helicopter logging ordinance. The use of helicopters for logging operations is limited to those areas directly involved in the staging, harvesting and loading of timber, and is prohibited over adjacent properties where timber harvesting is either not allowed by the zoning or is not included in the approved Timber Harvest Plan (THP) or Non-industrial Timber Management Plan (NTMP), except for incidental over-flights. The proposed ordinance implements the General Plan by limiting the use of helicopters to those areas where the helicopter activity is allowed by the zoning ordinance.



In other words, by directing where helicopter facilities are located (to timber harvest areas), the amendment has the effect of limiting the instances where laden helicopters are flying over residential areas (which are not designated timber harvest areas).

The Commission denied a proposal related to helicopter logging under Amendment # 3-98. This new proposal differs significantly from the one previously denied. This current amendment request responds to the Commission's concerns that, while regulation of helicopter flight operations (as opposed to the location of helicopter facilities) may not be within the jurisdictional scope of the Coastal Act, and that use of helicopters may be an environmentally superior way of log transport in some instances.

The scope of the this proposed amendment component is locational and objectively verifiable, not regulatory. The proposed amendment language would not have a significant impact. This is because it focuses on helicopter facilities located away from the parcel being logged, which as a practical matter would seem to be a rare occurrence. Helicopters are used as an alternative (or actually as a supplement) to trucks, where road access to the area being logged would be more expensive or is not allowed for some reason (e.g., environmental constraints). Helicopters hover over the area to pick up the cut logs for transport to a landing for further ground or water transport to a mill (or possibly, if a mill is close by, to the mill itself). The process of gathering up the cut logs is termed "yarding." Helicopters would also need a base of operation for refueling, maintenance and the like. Thus, the path of the helicopter would be between the base of operation, the cut area, and the landing. Under the proposed amendment, these would all occur on the timber harvest site or an adjacent site, if timber harvests were also allowed on it. Timber harvest parcels are a minimum of 5 acres, therefore there should be room for these facilities. Since helicopter yarding is a comparatively expensive means of transport, there is a very strong economic incentive to minimize the distance that the helicopter needs to travel. The only constraints would be if the parcels in a particular case have no level areas for landing or are landlocked without road access for logging trucks.



2. Standard of Review

Since this amendment is to the zoning ordinance only, it must be found consistent with the land use plan in order to be approved. The following *1994 General Plan and Local Coastal Program for the County of Santa Cruz* policy is applicable:

5.12.12. Review of Timber Harvest Require strict review of all timber harvests subject to County regulation to assure minimal environmental and neighborhood impacts...

The following Timber Resource program (#e.3) of the *1994 General Plan and Local Coastal Program for the County of Santa Cruz* is also applicable:

Continue to apply the following policies when reviewing timber harvest plans:...(3)
allow for selecting the haul route which minimizes neighborhood impacts.

The following other applicable *1994 General Plan* provisions are not part of the certified local coastal program:

- **3.19.1** - which prohibits the use of helicopters for any use other than emergency law enforcement, emergency medical or commercial agricultural purposes; the County does not define logging operations as an agricultural use; therefore, logging would not fall under the exceptions in this policy.
- **6.9.1** - which deals with the compatibility of land uses with respect to noise.
- **6.9.11** – which addresses new airstrips with respect to increased noise.

Also germane are the various policies to control erosion listed under Objective 6.3, the various habitat protection policies listed under Objective 5.1, and a basic plan goal of protecting the public safety and welfare (Ch. 2).

3. Analysis and Conclusion

Each of the three provisions of the proposed amendment component helps implement the *1994 General Plan and Local Coastal Program for the County of Santa Cruz*. The Commission notes that these proposals would not have the effect of prohibiting helicopter logging. In some cases, this method of logging may be preferable in terms of minimizing environmental impacts and furthering County erosion control and habitat protection policies.

The first provision of this amendment component would ensure that helicopter facilities are located near the site of the logging that they support. Such facilities would generate noise which could impact neighbors. The cited land use plan policies seek to avoid such impacts.



The second provision of this amendment helps ensure internal consistency within the implementation plan. Helicopter facilities are akin to industrial type uses and hence are not allowed uses in most zoning districts, given the noise associated with them. Since the facilities subject to these provisions are part of the timber harvest operation, they can only be allowed where timber harvest is allowed (i.e., be part of the timber harvest use).

The third provision requires that the helicopter facilities be contained in a timber harvest plan, again assuring that impacts from helicopter logging are limited to a small area.

In conclusion, the proposed amendment component is approved as being consistent with and adequate to carry out the certified land use plan.

C. Riparian Corridor Limitations

1. Description and Background

This proposed amendment component would add a new *County Code* section (13.10.695). This would prohibit most timber harvesting² within 50 feet of the banks of perennial streams and 30 feet from the banks of intermittent streams. (See staff report “Appendix: Full Text Of Proposed Amendments.”) However, timber harvesting necessary to provide access to timber that is otherwise permissible to harvest would be permitted (under section 13.10.695.c). In other words if there was some timber in a timber harvest zone beyond a riparian corridor and the only way to access it was by cutting some trees in the corridor, such tree cutting would not be precluded by the language of the proposed amendment.

The Commission approved a similar proposal under Amendment # 3-98, but the County subsequently declined to formally adopt it. Instead the County has submitted this new request. The two major differences are that this new request does not propose buffers to ephemeral streams and does allow logging to provide access, as described above. Also, the previous amendment could have been interpreted to prohibit all tree cutting in riparian corridors. There may be some instances (e.g., for fire suppression, habitat restoration, disease prevention) where non-commercial harvesting is necessary to preserve the integrity of the riparian corridor. The current proposal makes it clear that this provision applies only to timber harvesting pursuant to either a Timber Harvest Plan or a Non-industrial Timber Management Plan.³

² i.e., timber harvesting subject to a timber harvest plan or to a non-industrial timber management plan.

³ Sections 13.10.700-D and 13.20.040 of the *County Code* each define “development” to not include timber harvests that require State timber harvest plans; Section 13.20.050 only requires coastal permits for “development” (i.e., no coastal permit is required for an activity not defined as development such as timber harvests that require State timber harvest plans); Section 13.20.160 requires coastal permits for timber harvests not regulated by the State (i.e., < 3 acres or non-commercial); Chapter 16.52 contain regulations for timber harvests that are applied for except for commercial timber harvesting under the exclusive jurisdiction of the Department of Forestry (Section 16.52.035); Chapter 16.34



This proposed amendment component would affect 1,601 acres of timber land in the coastal zone, according to County calculations.

The scope of this proposed amendment component is locational and objectively verifiable, not regulatory. The proposed amendment applies to perennial and intermittent streams, which are mapped. It does not apply to setbacks from ephemeral streams (as the previous #3-98 amendment would have), since the identification of such streams occurs through field investigations (they are not currently all mapped).

2. Standard of Review

As the proposed amendment is to the coastal implementation program only, the standard of review is consistency with the coastal land use plan. Several *1994 General Plan and Local Coastal Program for the County of Santa Cruz* policies address riparian corridors.

Objective **5.1** is:

to maintain the biological diversity of the County through an integrated program of open space acquisition and protection, identification and protection of plant habitat and wildlife corridors and habitats, low-intensity and resource compatible land uses in sensitive habitats and mitigations on projects and resource extraction to reduce impacts on plant and animal life.

The Local Coastal Program has provisions requiring protection of riparian areas and wetlands; which are defined as environmentally sensitive habitats (under policies 5.1.2 and 5.1.3). They must be delineated and biotic reports must be prepared. Sensitive habitat provisions include:

- Policy **5.2.1** designates and defines the following areas as Riparian Corridors:
 - (a) 50' from the top of a distinct channel or physical evidence of high water mark of a perennial stream;
 - (b) 30' from the top of a distinct channel or physical evidence of high water mark or an intermittent stream as designated on the General Plan maps and through field inspection of undesignated intermittent and ephemeral streams;

contains regulations for tree cutting other than timber harvests; and specifically does not apply to timber harvests subject to State Department of Forestry approval (Section 16.34.090). In summary the County Code establishes five tiers of approvals for tree cutting: 1. Timber harvests subject to State timber harvest plan approvals; 2. Other timber harvests subject to County regulations (Ch. 16.52); 3. Other significant tree cutting (subject to County regulations in Ch. 16.34); 4. Other tree cutting regulated through permits for development that the cutting is associated with (e.g., tree cutting associated with allowing for a residence) and 5. Other minor tree cutting is exempt from regulation.



- (c) 100' of the high water mark of a lake, wetland, estuary, lagoon, or natural body of standing water;
- (d) The landward limit of a riparian woodland plant community;
- (e) Wooded arroyos within urban areas.

- Policy **5.1.3** allows only uses dependent on resources in these habitats unless:
 - ⇒ other uses are consistent with habitat protection policies and beneficial to the public;
 - ⇒ the project approval is legally necessary to allow a reasonable economic use of the land;
 - ⇒ any adverse environmental impact will be completely mitigated; and
 - ⇒ there is no feasible less-damaging alternative.
- Policy **5.1.4** requires complying with the Sensitive Habitat Protection ordinance (Chapter 16.32 of the County Code).
- Policy **5.1.6** states in part,

Sensitive habitats shall be protected against any significant disruption of habitat values; and any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Reduce in scale, redesign, or, if no alternative exists, deny any project which cannot sufficiently mitigate significant adverse impacts on sensitive habitats...

The following *1994 General Plan and Local Coastal Program for the County of Santa Cruz* provisions specifically address riparian corridors and wetlands:

- Objective **5.2** is “to preserve, protect and restore all riparian corridors and wetlands for the protection of wildlife and aquatic habitat, water quality, erosion control, open space, aesthetic and recreational values and the conveyance and storage of flood waters.”
- Objective **5.7** is “to protect and enhance surface water quality in the County’s streams, coastal lagoons and marshes by establishing best management practices on adjacent land uses.”
- Policy **5.2.2** specifies adherence to the Riparian Corridor and Wetland Protection ordinance (Chapter 16.30 of the County Code), to ensure no net loss of riparian corridors and riparian wetlands.
- Policy **5.2.3** states that “development activities, land alteration and vegetation disturbance within riparian corridors and wetland required buffers shall be prohibited unless an exception is granted per the Riparian Corridor and Wetlands Protection ordinance.”



The County, in such cases, is required to make Riparian Exception findings of:

- ⇒ special circumstances affecting the property,
- ⇒ necessity for proper function of an existing or permitted activity;
- ⇒ not being injurious to downstream or other nearby property;
- ⇒ not reducing nor adversely impacting the riparian corridor;
- ⇒ there being no less environmentally damaging alternative;
- ⇒ and meeting local coastal program objectives (County Code Section 16.30.060).

- Policy **5.2.7** states,

Allow compatible uses in and adjacent to riparian corridors that do not impair or degrade the riparian plant and animal systems, or water supply values, such as non-motorized recreation and pedestrian trails, parks, interpretive facilities and fishing facilities...

3. Analysis and Conclusion

a. Consistency with Land Use Plan Policies

The proposed amendment which prohibits commercial timber harvesting in 30 and 50 foot riparian buffer zones implements the cited land use plan policies to the extent allowed by State law. It matches the first two setback criteria of policy 5.2.1.⁴

The proposed amendment carries out land use plan policies (e.g., 5.2.2 and 5.2.3) that do not allow for disruption of the habitat. Commercial timber harvesting by definition will change the natural structure of the riparian habitat as full-size trees are removed, roads are installed, and heavy equipment is used. After a timber harvest is completed, the riparian forest will be significantly altered.

In a more general sense, the proposed amendment implements the cited policies (e.g., 5.1.6, 5.2.7) that prohibit habitat impairment. By prohibiting commercial tree-cutting, the integrity of the defined riparian corridor is preserved. Conversely, allowing commercial tree-cutting would clearly impact the riparian corridor and generally degrade its habitat functions. There is ample basis in the literature for riparian setbacks where no vegetative disruption is allowed. Some benefits are:

- Maintenance of the aquatic food web through provision of leaves, branches, and insects;

⁴ The *Code* definition additionally includes a 100 foot buffer around water bodies. A review of the location of coastal wetlands in northern Santa Cruz County reveals no mapped timber resources in that close proximity, therefore, obviating the need for the proposed prohibition to extend to wetland buffers, as was requested in some testimony at the local hearings.



- Maintenance of appropriate levels of predation and competition through support of appropriate riparian ecosystems;
- Maintenance of water quality through filtering of sediment, chemicals, and nutrients from upslope sources;
- Maintenance of an appropriate water temperature regime through provision of shade and regulation of air temperature and humidity;
- Maintenance of bank stability through provision of root cohesion on banks and floodplains;
- Maintenance of channel form and in-stream habitat through provision of woody debris and restriction of sediment input;
- Moderation of downstream flood peaks through temporary upstream storage of water;
- Maintenance of downstream channel form and instream habitat through maintenance of an appropriate sediment regime.⁵

Similarly, there is evidence of the detrimental effects of allowing commercial timber harvesting in riparian corridors. “Accelerated rates of erosion and sediment yield are a consequence of most forest management activities.”⁶ “Timber harvesting and associated activities can alter the amount and timing of streamflow by changing onsite hydrologic processes.”⁷ Vegetation diversity can be lost as a result of riparian logging.⁸ Santa Cruz County has expressed concern over even selective logging of riparian corridors resulting in a young stand and a predominately hardwood stand of remaining trees, as not providing suitable conditions to maintain coho habitat.⁹ “There is broad scientific agreement that timber harvesting with riparian zones is potentially detrimental to salmonids and other fisheries because it reduces shade, increases water temperature, increases sediment delivery to streams, and reduces large wood pieces, an important element of stream complexity.”¹⁰ As part of the County hearing process, evidence was submitted of the destructive nature of commercial logging adjacent to French and Gamecock Creeks in the County.

b. Constraints to Full Consistency with Land Use Plan Policies

⁵ Reid Leslie M. and Sue Hilton “Buffering the Buffer,” USDA Forest Service, Gen. Techn. Rep. PSW-GTR-168, 1998, p. 71. See also Roelofs to Layton September 11, 2000 in Appendix B for a discussion of the benefits of buffers. The Commission incorporates this letter into these findings.

⁶ Forest Ecosystem Management: An Ecological, Economic, and Social Assessment, Report of the Forest Ecosystem Management Assessment Team 1993, p. V-16.

⁷ Keppeler and Ziemer 1990 and Wright et. al. 1990 cited in *Forest Ecosystem Management: An Ecological, Economic, and Social Assessment, Report of the Forest Ecosystem Management Assessment Team*. 1993, p. V-19.

⁸ *Forest Ecosystem Management: An Ecological, Economic, and Social Assessment, Report of the Forest Ecosystem Management Assessment Team*. 1993, p. V-25.

⁹ James (County Planning Director) to Rutten (NMFS), December 10, 1998 letter.

¹⁰ Spence et.al., *An Ecosystem Approach to Salmonid Conservation*. TR-4501-96-6057. ManTech Environmental Research Serves Corp., Corvallis, Oregon, 1996, cited in Roelofs to Layton, September 11, 2000 in Appendix B.



There are certain portions of the cited land use plan policies that are constrained from being fully implemented by State law. Under current, counties may only regulate the location of commercial timber harvesting and may not regulate timber operations or require permits for timber harvesting. Thus, provisions of the generally applicable riparian corridor regulations that require a discretionary determination by the County prior to harvesting cannot be applied to timber harvesting operations. The proposed regulations are all objective and locational and do not impose County permit requirements and are therefore valid under existing law.

Likewise policies 5.1.6 and 5.2.3 allows some carefully mitigated development to occur in riparian buffer areas. However, these developments can only occur upon the County granting what is termed a “riparian exception.” These exceptions would require discretion and determination on a case-by-case basis. Again, State law would not allow for this discretion to be delegated to the County: the County zoning must either allow or not allow timber harvesting in defined areas, such as riparian zones. The County can not conditionally allow it, subject to such timber harvesting meeting its regulations and limitations, as the County lacks such regulatory authority.

c. Rebuttals to Arguments Opposed to the Proposed Amendment

The Commission notes that the County amendment package submittal includes the local hearing record. This record includes challenges to the proposed amendment by various experts. In summary, the information that they impart asserts that:

- timber harvesting in the riparian corridor does not harm the habitat (e.g., there are adequate Forest Practices Rules to prevent any adverse impacts);
- furthermore, not allowing timber harvesting in the riparian corridor does not result in environmental benefits;
- furthermore, timber harvesting in the riparian corridor is beneficial to the habitat;
- furthermore, timber harvesting in the riparian corridor is actually necessary for the habitat to optimally survive;
- furthermore, not allowing timber harvesting in the riparian corridor does not carry out Coastal Act Section 30243 (e.g., economic benefits of harvesting loss if not harvested);
- and finally, not allowing timber harvesting in the riparian corridor actually causes harm to the habitat (e.g., no timbering, no management to address current and previous problems like sedimentation).

The assertions that some uses, such as regulated commercial timber harvests, may not have adverse impacts on the riparian habitat are not particularly germane. Typically, zoning provisions have various broad purposes (e.g., in this case, habitat protection) that result in various categories of uses that are allowed in certain areas and others that are not. The County is not obliged to allow every use in every zoning district. Within any use category the fact that there may be some development proposals that have less impact than others (e.g., a large factory vs. a small one) does not compel the



County to permit that category of use in a certain zoning district. The County has to make broad decisions about whether a category of use is appropriate for a certain area. As discussed above, as a category of use, commercial timber harvesting is not appropriate in riparian corridors pursuant to several of the cited policies.

However, the assertions that commercial timber harvesting is actually necessary to preserve habitat values and not allowing it is detrimental require further scrutiny. The implication of these assertions is that the proposed restriction (on allowing commercial timber harvesting) embodied in the amendment is contrary to the cited County habitat protection policies. In other words, were the Commission to approve the amendment, the argument would be made that the result would be adverse impacts on the riparian corridor (i.e., inconsistencies with the LCP policies) from the prohibition on commercial timber harvesting.

Specifically, there are assertions in the record alleging the necessity of commercial cutting of riparian forests because:

- (1) of the need to protect plant systems by allowing selective harvesting of diseased Monterey pine;
- (2) of the need to harvest to prevent forest fires;
- (3) of the need to prevent drying up creeks resulting from unchecked forest growth;
- (4) if not commercially harvested, trees will fall into streams causing log jams and resultant erosion;
- (5) cutting trees and placing some in the watercourse as woody debris in conjunction with allowing timber harvesting will result in less sedimentation than if trees are allowed to naturally slip into the stream;
- (6) not having commercial harvesting will mean adverse effects of previous logging will not be cleaned up by continued logging
- (7) not undertaking commercial harvesting will lead to a significant decrease in diversity associated with secondary succession and number of plant and animal species which occupy the forest; if some trees are not cut, the riparian forest will be unhealthy with stunted growth and decreased density, meaning less shade for coho and decreased quality of detritus and food supply for coho and other fish; and
- (8) cable yarding will not be allowed leading to more destructive tractor yarding which generates more sediment.

The literature, common understandings, the County's submissions (see Appendix B), and what the proposed amendment actually prescribes reveal that such arguments are not compelling.

(1) The need to commercially harvest diseased Monterey pine in riparian corridors is not persuasive because this species does not typically grow within the immediate riparian corridor. Also, the proposed amendment does not preclude removal of diseased and dying trees in riparian corridors.

(2) The contention that commercial harvesting of trees in riparian corridors will prevent forest fires (and by implication must be allowed to be consistent with fire protection policies), is unfounded. In



fact, “fire suppression during this century in combination with logging and grazing has created forests with much greater density of vegetation than in the past. The dense vegetation also increases the opportunity for intense conflagrations.”¹¹ “Wildfires often burn less intensely in riparian areas than in upland areas because of the generally moist conditions near streams. Riparian areas may serve as effective barriers to the spread of low severity fires across the landscape.” Of course, riparian areas can burn and result in some adverse conditions, including increased sediment yields and decreased aquatic species diversity. Yet, “fire is another disturbance factor that contributes to the diverse mosaic of riparian vegetation.” Thus, even if somehow the burning (or more intense burning) of a riparian corridor could be attributed to the fact that no logging had been allowed in it, the result is not necessarily undesirable.¹² Furthermore, the prohibition only extends a maximum of 50 feet into the riparian corridor, the most moist area, so that opportunities remain for logging in the remainder of the corridor area. And, were fire suppression or clean-up necessary in the proposed buffer zone that involved tree removal, the proposed amendment would not preclude this from occurring.

(3) The assertion regarding drying up streams is similarly unpersuasive. Transpiration to nourish riparian trees is a natural process that has been repeated for centuries before commercial logging appeared on the scene. The County’s consultant testified, “Granted, these [riparian] plants take up the most water during the dry season (spring and summer), but they also reduce evaporation from the stream and soil surface through shading (Davenport 1977). In addition, riparian vegetation reduces the velocity of floodwaters, facilitating ground-water recharge (Faber et al. 1989).”¹³ Another expert amplified on the negligible adverse effect on water supply.¹⁴ The cover letter to the paper submitted by Robert Briggs, “Competition for Limited Dry Season Ground-stored Water Between Forest Use and Streamflow in the Waddell Valley,” says that awareness of this effect does not dictate a particular course of action since that depends on the results desired.¹⁵ Indeed the paper notes that fires have the same effect as tree cutting. Furthermore, the paper addresses the entire watershed; it does not calculate the magnitude of decreased streamflow from the riparian forest alone. If it ever were determined that commercially cutting trees in the riparian corridor were necessary so that a stream would not dry up (i.e., if this were the only available method), then a subsequent amendment (including a land use plan change) could be requested. However, for example, to date, Department of Fish and Game recommendations for the restoration of the endangered coho salmon south of San Francisco Bay (i.e., in streams subject to this amendment) focus on other measures to preserve and enhance streamflow rather than on cutting riparian vegetation (which is recommended for preservation and restoration).

(4) The contention that harvesting in riparian corridors reduces log jams is not supported by common understanding of forestry ecology. Regarding log jams, the literature on this topic actually supports

¹¹ Skinner and Chang, 1996 cited in Kattleman and Embry, “Riparian Areas and Wetlands,” *Sierra Nevada Ecosystem Project: Final Report to Congress*. 1996. See also Euphrat to Layton September 13, 2000 in Appendix B, p. 6.

¹² See also, Rottenborn to Coastal Commission, July 14, 1999 in Appendix B. The Commission incorporates this letter into these findings.

¹³ Rottenborn to Coastal Commission, July 14, 1999 in Appendix B.

¹⁴ See Euphrat to Layton September 13, 2000 in Appendix B, pp. 2-3. The Commission incorporates this letter into these findings.

¹⁵ Briggs to Coastal Commission, March 10, 1999.



retaining riparian vegetation because some trees will fall into streams. Logs in streams are valuable. “The progressive loss of large pieces of coniferous wood from streams due to continued logging of riparian zones... has led to widespread changes in channel form and to impaired habitat quality.”¹⁶ Current forest practice rules allow these cumulative impacts to increase in severity in part because specified buffer strip widths are too narrow to allow sufficient recruitment of large pieces of wood and because logging is allowed in buffer strips. “Partial harvest and salvage logging within [some areas where riparian buffers have been established] have reduced their ability to contribute large wood to streams.”¹⁷ Log jams that are detrimental for some reason can be removed; this proposed amendment would not prevent such stream restoration.

(5) The assertion that cutting trees and placing some in the watercourse as woody debris in conjunction with allowing timber harvesting will result in less sedimentation than if trees are allowed to naturally slip into the stream is accurate **only to the extent that the post-logging debris is thoughtfully and deliberately placed.** The debris placed for silt catchment also needs to be installed so as to maximize the creation of shaded pools while making absolutely certain not to obstruct the passage of anadromous fish. While loggers could be taught such techniques, in general their occupation is to get the logs to the mill in an economic manner, not "artful placement" of woody debris. Thus, there is no track record to conclude that there would be a major difference between logging adjacent to streams, with an assumed requirement of woody debris placement and no commercial harvesting with the logs falling naturally. Additionally, the prohibition of logging within 30 or 50 feet of a stream would not preclude bringing in personnel and equipment to fell certain trees to be placed in a stream for habitat restoration or to move trees that have fallen and perform erosion control. However, this should not generally be necessary as, “there is a greater benefit from a fallen tree in a stream [including sediment catchment] than the impact of the relatively small, short lived sedimentation source created from its falling.”¹⁸

(6) The contention that not cutting will mean that the adverse effects of old logging will not be cleaned up by continued logging is unfounded. **Correction of environmental abuse should not be dependent on the tolerance of further environmental impacts.** There are other ways to correct such damage, including establishing specific restoration programs and letting Nature take its course. In the high moisture-high sunlight regime of the temperate rain forest (of which the Santa Cruz north coast is the southern extremity), the more obvious effects of old-time logging tend to heal over within a few years. A prime example is at the Forest of Nisene Marks. This park was clear cut end-to-end by the mid-1900's but is now so well recovered that it is thought of as a "pristine" unit of the State Park System. And, in the Coastal Zone along Bonny Doon Road where the logging was done selectively and thoughtfully in accordance with the California Forest Practices Act timber harvest rules, within 10 years virtually no evidence of the logging operation remains. Therefore, while there might be a particular isolated instance where further "clean up" is warranted, the decision to continue commercial timber harvesting (or not) for a whole class of lands should not be based on this consideration.

¹⁶ Reid, “Forest Practice Rules and Cumulative Watershed Impacts in California,” 1999.

¹⁷ Bryant 1980 and Bisson et. al. 1987 cited in *Forest Ecosystem Management: An Ecological, Economic, and Social Assessment, Report of the Forest Ecosystem Management Assessment Team* (a coalition of federal resource agencies) 1993, p. V-13.

¹⁸ Euphrat to Layton September 13, 2000 in Appendix B, p. 5.



(7) The contention that commercial timber harvesting in riparian corridors is important to the health of the riparian forest and stream corridor habitat is unfounded. The forests have existed for centuries without the aid of logging and logging is not necessary to maintain them. According to a County's consultant, "While some species associated with early-successional habitats might not be present in old-growth riparian woodland, natural disturbances such as flooding, erosion, treefalls, and fire promote riparian habitat regeneration and maintain habitat heterogeneity (Davis et al. 1989, Stromberg et al. 1993)."¹⁹ Further amplification of the species diversity benefits of the resultant older average age forest within the riparian setback area is described on page 4 of the Euphrat letter in Appendix B of this report. "Also, this proposal affects only a narrow riparian corridor. Therefore, any resultant diversity of species and age classes from logging will still occur; it will simply be setback further from the stream. "Maintaining the integrity of the [riparian] vegetation is particularly important for riparian-dependent organisms including amphibians, arthropods, mammals, birds, and bats."²⁰ . Harvesting results in a decrease of detrital inputs into streams. "Decrease of detritus will cause decreased populations of these [stream invertebrate] species."²¹ Harvesting also results in a loss of logs in streams as discussed above. Reductions of logs in streams are associated with a decrease in large deep pools, which are a characteristic of high quality aquatic ecosystems. Attributes of stream habitat diversity include the variety and range of hydraulic conditions (i.e., depths and water velocities) and types and frequencies of wood.²² Furthermore, timber harvesting in the riparian corridor can affect the amount of shading that the stream receives. Shading is necessary to provide for diverse aquatic habitat. "An additional point is that maintaining a continuous canopy cover has a significant fog drip benefit to the understory."²³ Thus, the prohibition on riparian corridor tree removal should result in greater stream habitat diversity, not less.

(8) Lastly, regarding cable yarding, the amendment does not prohibit its occurrence. Cables may be installed over streams where there is already a clearing or they may be installed above tree level. Also, helicopter logging is another alternative that is not precluded by this amendment (see finding above). Additionally, the amendment proposal allows timber cutting in riparian corridors so as not to preclude access to an otherwise allowed timber harvest. Furthermore, this proposed amendment applies to timber harvesting itself and not associated activities such as cables or roads which may cross riparian corridors.

¹⁹ Rottenborn to Coastal Commission, July 14, 1999 in Appendix B.

²⁰ *Forest Ecosystem Management: An Ecological, Economic, and Social Assessment, Report of the Forest Ecosystem Management Assessment Team*, 1993, p. V-25. See also, July 14, 2000 letter to the Coastal Commission from Stephen C. Rottenborn, Ph.D., a consultant to the County, for an extensive discussion of the adverse habitat impacts from commercial logging of riparian corridors in Appendix B.

²¹ Knight and Bottorff, "The Importance of Riparian Vegetation to Stream Ecosystems," in Warner and Hendrix, editors, *California Riparian Systems*, 1984.

²² *Forest Ecosystem Management: An Ecological, Economic, and Social Assessment, Report of the Forest Ecosystem Management Assessment Team* 1993, p. V-22. See also Euphrat to Layton September 13, 2000 in Appendix B, pp. 3 -4.

²³ Dawson, T.E., "The Use of Fog Precipitation By Plants In Coastal Redwood Forests," in J. LeBlanc, ed., *Proceedings of a Conference on Coastal Redwood Ecology and Management*, 1993 cited in Euphrat to Layton September 13, 2000 in Appendix B, p. 3.



d. Conclusion

In conclusion, prohibiting various uses, including commercial timber harvesting, within riparian corridors, is consistent with land use plan directives to preserve and protect these habitats.

In light of the whole record, the scientific consensus, and the evidence submitted, there is not substantial evidence that not allowing commercial timber harvesting in riparian habitats will cause significant harm. Furthermore, the assertions made along these lines blur the distinction between regulated commercial timber harvesting and individual tree cutting to preserve habitat values. As long as the proposed amendment does not preclude cutting certain trees that are determined necessary to be cut to preserve, protect or restore habitat, then there is no conflict with the cited land use plan policies. The proposed amendment applies only to timber harvesting pursuant to either a Timber Harvest Plan or a Non-industrial Timber Management Plan. As noted in the finding “A” above, some harvesting is not covered under these categories. Thus, some tree removal that might be deemed desirable for actually maintaining the riparian corridor habitat could still occur. Thus, this proposed amendment component to the Implementation Program is approved as being consistent with and adequate to carry out the cited certified land use plan policies.

For the County’s north coast streams, where this amendment would apply in the coastal zone, there are no riparian corridor or watershed management plans in place. Such plans could recommend specific vegetation management techniques to further the determined objectives (e.g., coho habitat protection, aesthetic values, erosion control, species diversity or climax redwood forest). If these vegetation management techniques could be assured to be implemented through regulated commercial timber harvesting, then in the future it may be appropriate for the County to submit a new LCP amendment request along these lines.

On the other hand, the literature discusses cases of desirable riparian buffers of greater than 50 feet. One example is a buffer equal to one site-potential tree height.²⁴ The Commission notes that at this time, since the County land use plan has a 50 foot buffer, the corresponding zoning provision should also be 50 feet. This does not mean that the County can not recommend additional buffers in specific cases when commenting to the Department of Forestry on timber harvest plans. Nor does it in any way preclude the Department from imposing greater buffers. Finally, it does not commit the Coastal Commission to endorsing only a 50 foot buffer.

D. California Environmental Quality Act (CEQA)

The Secretary for Resources has certified the Commission’s program involving the preparation, approval and certification of local coastal programs, as provided in section 30500-30522 of the

²⁴ National Marine Fisheries Service, “Draft Salmonid Conservation Measures for ** Forestry Activities for a Short-Term HCP,” 1999. See also Roelofs to Layton September 11, 2000, page 2 in Appendix B for a discussion of wider buffers.



Coastal Act, under section 21080.5 of CEQA. The County has prepared a negative declaration on this set of amendments pursuant to CEQA. The County has found that there is no substantial evidence in light of the whole record that the amendments may have a significant effect on the environment. (Pub. Resources Code, § 21080(c), 14 Cal. Code Regs, § 15070(a).) The Commission has considered the County's negative declaration, and all the other evidence in the record, and concurs in this finding with respect to its approval of Major Amendment No. 1-00. There is nothing in the record to support the argument that the amendments, as modified by the Commission, may have a significant environmental effect. In fact, the amendments will have a beneficial environmental effect by not allowing timber harvesting in some areas of the County. Accordingly, pursuant to section 21080.5 of the Public Resources Code, the Commission concludes that the negative declaration, the staff report, and the Commission's adopted findings are adequate to meet the Commission's obligations under CEQA. The Commission also concludes that since the LCP amendment, as proposed or as modified, will not have a significant, adverse environmental effect in the first instance, there are no feasible alternatives or feasible mitigation measures that would substantially lessen any significant, adverse effects on the environment.



APPENDICIES

A. Full Text Of Proposed Amendments

Land Use Plan amendments
Implementation Program amendments

B. Riparian Corridor Information:

Letters from: Stephen Rottenborn, Ph.D.
Terry Roelofs, Ph.D.
Fred Euphrat, Ph.D.







